

MANDATE

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURT HOUSE
40 FOLEY SQUARE, NEW YORK, N.Y. 10007

Catherine O'Hagan Wolfe
CLERK OF COURT

Date: 4/28/08
Docket Number: 08-0303-op
Short Title: Gerbacio-Linch v. USA

DC Docket Number: 07-cv-11552
DC: SDNY (NEW YORK CITY)
DC Judge: Honorable Deborah Batts

At a stated term of the United States Court of Appeals for the Second Circuit, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 28th day of April, two thousand eight.

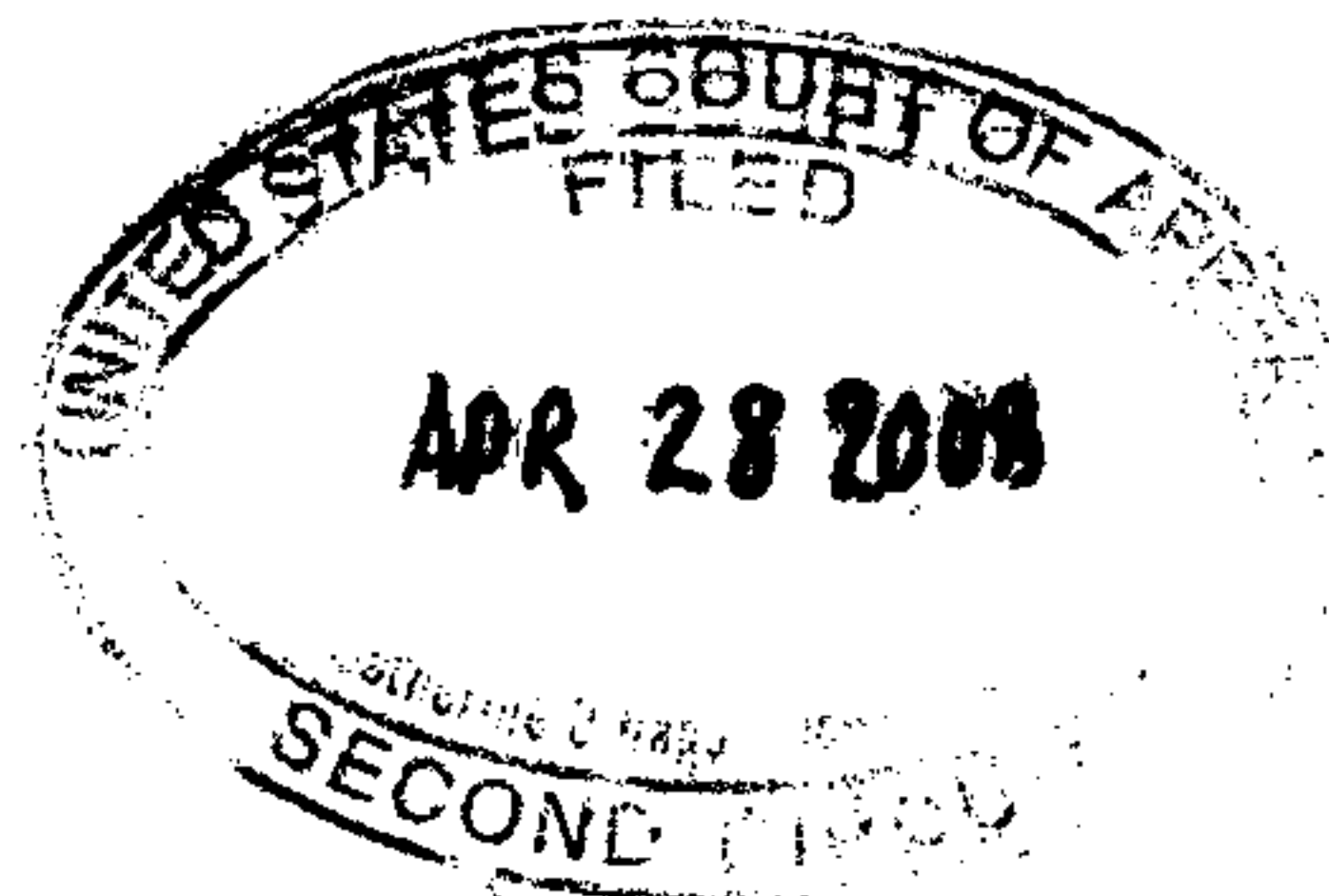
Julio Gerbacio-Linch,

Petitioner,

v.

USA,

Respondent.



NOTICE HAVING BEEN GIVEN that the petitioner was required to file an application requesting that this court authorize a second or successive habeas corpus petition in the United States District Court, and **PETITIONER HAVING FAILED** to file said application within the **FORTY FIVE DAYS** prescribed, **authorization for the underlying petition is DENIED pursuant to Liriano v. USA, 95 F.3d 119 (2nd Cir. (NY))**. Any motions pending prior to the entry of this order of dismissal are deemed **MOOT**.

CERTIFICATE OF MAILING

The undersigned Deputy Clerk hereby certifies that this order was mailed this date to all parties to this action.

For the Court:
Catherine O'Hagan Wolfe, Clerk
By: Gislaine Phillip
Gislaine Phillip, Deputy Clerk

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by

Gislaine Phillip
Deputy Clerk

Certified:

APR 28 2008

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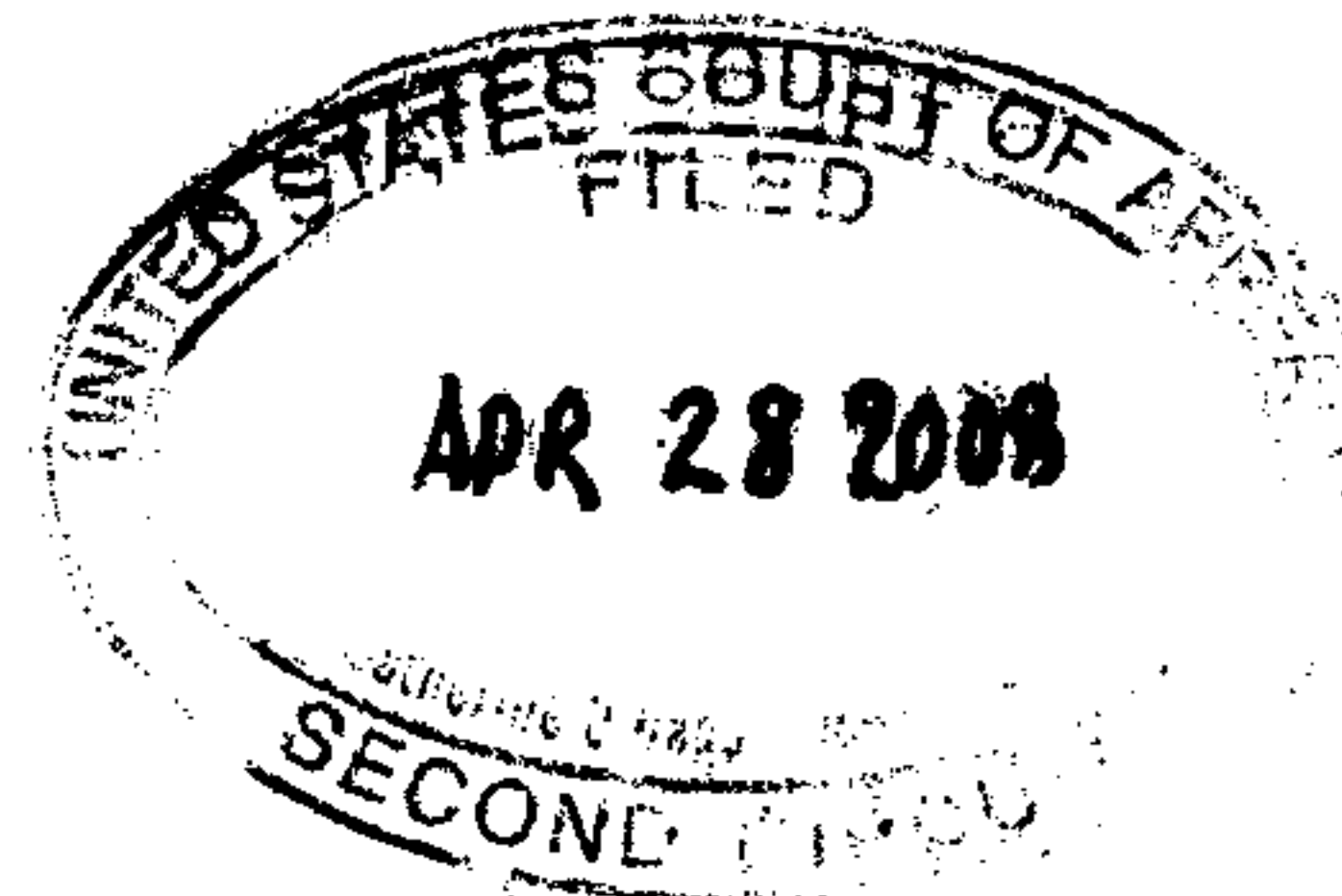
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THE MANDATE CONSISTING OF
ITEMS BELOW HAS BEEN RECEIVED
() OPINION () STATEMENT OF COSTS
(X) ORDER

RECEIVED BY: _____ DATE: _____